

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DOUGLAS ROSE,
Plaintiff,
v.
STATE OF NEVADA, et al.,
Defendant.

Case No.: 3:24-cv-00279-MMD-CLB

ORDER

[ECF Nos. 4, 5]

9 On July 1, 2024, pro se plaintiff Douglas Rose, an inmate in the custody of the
10 Nevada Department of Corrections (“NDOC”) who is housed at Northern Nevada
11 Correctional Center (“NNCC”), submitted a civil-rights complaint under 42 U.S.C. § 1983,
12 a motion for the appointment of counsel, and an application to proceed *in forma pauperis*
13 (“IFP”) for an inmate at NNCC. (ECF Nos. 1-2, 1-3, 1). One day later, Rose filed motions
14 to conduct early discovery and for service upon the defendants using the U.S. Marshals
15 Service. (ECF Nos. 4, 5).

16 As the Court explained in the advisory letter that it sent Rose when he initiated this
17 action, “[t]he Court will review your complaint before docketing and service of
18 defendants.” (ECF No. 3 at 1). Review means that the Court will “screen” the complaint
19 under 28 U.S.C. § 1915A “to identify any ‘colorable claims’” and dismiss any claims that
20 are frivolous, malicious, or fail to state a colorable claim for relief or seek monetary
21 damages from any defendant who is immune from that relief. (*Id.*) “This process may take
22 many months.” (*Id.*) The letter reiterated that “the Court will order service upon defendants
23 when it is time to do so.” (*Id.* at 3).

24 The Court has not yet screened Rose's complaint, and Rose has not demonstrated
25 that he needs expedited discovery for any matter that is currently before the Court. The
26 Court has ordered the NDOC to submit the financial documents necessary to complete
27 Rose's IFP application. (ECF No. 2). Once Rose's IFP application is complete, the Court
28 will screen his complaint in the ordinary course. The Court will order service on the

1 defendants when it is time to do so. And the Court will issue a scheduling order about
2 discovery and related matters when it is time to do so.

3 Rose is warned that filing excessive motions on issues that are not procedurally
4 applicable to the litigation at this time does not *increase* the speed in which the Court is
5 able to proceed with this case. The Court has a heavy docket and Rose's case is just one
6 of hundreds before the Court. Rose's excessive filings only *slow* the pace of this litigation
7 by requiring the Court's attention and consideration of small and secondary matters
8 instead of the central issues in this case.

9 It is therefore ordered that Rose's motions for early discovery and service on the
10 defendants (ECF Nos. 4, 5) are denied.

11 DATED THIS 3rd day of July 2024.

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13 UNITED STATES MAGISTRATE JUDGE
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